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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,736	05/11/2001	Paul A. Johnson	135829/ATL-2001-004	6491

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EXAMINER

WU, QING YUAN

ART UNIT PAPER NUMBER

2194

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/853,736	JOHNSON, PAUL A.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Qing-Yuan Wu	2194	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 34-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/22/05, 8/26/05</u>  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 34-40 are pending in the application.

#### ***Claim Objections***

2. Claim 40 is objected to because of the following informalities: A “period” is required at the end of the claim. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 34-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following claim language is indefinite:
  - i. As per claim 34, it is uncertain whether “the element manager” in lines 6 and 7, and “the element management system” in lines 18-19 refers to “a telecommunication element manager system” or “the element manager system” in lines 2-3; whether “event supplier” refers to “supplier elements”; whether “a system for managing elements of a telecommunications network” in lines 1-2 refers to “a telecommunications element manager system” in lines 2-3 (i.e. if they

are the same then said/the should be use and “said/the element manager system” should be used throughout all the claims. Applicant should consider using consistent terms to refer to the antecedent).

ii. As per claim 36, it is uncertain if “the event channel factory” in line 3 refers to “an event channel factory object” in line 3 (i.e. if they are the same then said/the should be use and “said/the event channel factory **object**” should be used throughout all the claims).

iii. As per claim 38, this claim is rejected for the same reason as claim 36 above. In addition, it is uncertain if “the additional channel” refers to “additional channels” in claim 37 (i.e. if they are the same then said/the should be use and “said/the additional channels” should be used throughout all the claims).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 34-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koo et al (hereafter Koo) (US Patent 6,704,785) in view of Applicant Admitted Prior Art (hereafter AAPA).

7. Koo was cited in the last office action.

8. As to claim 34, Koo teaches the invention substantially as claimed including a computer implemented method, in a system for managing elements of a telecommunications network, of an event publishing service for a telecommunications element manager system, wherein the element manager system provides events which must be transported to event consumers, the method comprising:

an event publishing service which is a runtime software component separate from the element manager [col. 6, lines 5-8; 40, 46, 47, Fig. 3];

obtaining, by the element manager, a reference to event publishing service, and calling a function to trigger the event publishing service to form the event transport architecture [col. 6, lines 52-58];

building each of the initial channels including [existing channel, new channel, col. 4, lines 25-33; col. 6, lines 7-8, 16-32; col. 7, lines 1-3; col. 8, lines 53-59],

registering, by the event publishing service, an event type it is to send on an initial channel associated with the event type [col. 5, lines 21-39],

obtaining from the element management system an event supplier to provide the registered event type from the element management system and connecting the event supplier to send to the initial channel associated with the event type [col. 8, lines 63-65];

registering each of the initial channels in a naming service according to a naming policy to make each of the initial channels available to consumers for connection; and waiting for connection requests [col. 5, lines 21-39; col. 9, lines 2-12].

9. Koo does not specifically teach an event publishing service having a public interface. However, Koo disclosed connection difficulties when computer systems of the user and the source differ, and CORBA architecture for integration of various systems [col. 1, lines 37-38; col. 2, lines 39-67]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have recognized that the a vendor-independent architecture and the interoperability between the element management system and the event publishing service were being considered and implemented by Koo.

10. Furthermore, Koo does not specifically teach encapsulating a policy, and a configuration file. However, Koo disclosed existing channel, dynamically creating new channel [existing channel, new channel, col. 4, lines 25-27], channels tailored to carry information [col. 4, lines 48-50], and creating channels based on various event types [col. 10, lines 30-31]. In addition, AAPA teaches shared library that encapsulate ETA policies and configuration files that contain ETA policy details [AAPA, pg. 9, lines 4-5; pg. 10, lines 9-10]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have combined the teaching of Koo with the teaching of AAPA, because both the teaching of AAPA and Koo provides solutions for the problem of coupling between ETA policy and the dependent components [col. 2, lines 39-67; AAPA, pg. 9, lines 1-4].

11. As to claim 35, Koo as modified teaches the invention substantially as claimed including wherein the step of reading a configuration file, further comprises the steps of:

determining event types to be carried by each of the initial channels [col. 4, lines 48-50; col. 5, lines 25-31];

determining quality of service properties for each of the initial channels [col. 4, lines 48-50; col. 7, lines 7-9, 43-44];

determining a channel name for each of the initial channels [col. 7, lines 1-3];

determining a channel connectivity for each of the initial channels [col. 6, lines 47-58; col. 7, lines 49-52].

12. As to claim 36, Koo as modified teaches the invention substantially as claimed including wherein the step of building each of the initial channels as defined in the configuration file, comprises for each initial channel:

obtaining an event channel factory object, wherein the event channel factory is a standard object in a notification system [col. 6, lines 8-13; col. 9, lines 5-7];

creating the initial channel and configuring the initial channel with any quality of service properties for the initial channel [col. 6, lines 16-20; col. 7, lines 7-9, 43-44; col. 7, line 58-col. 8, line 5];

obtaining a supplier admin from the initial channel, creating a proxy consumer from the supplier admin, and connecting the even supplier to the proxy consumer to permit events to be carried through the initial channel [col. 9, lines 7-12].

13. As to claim 37, Koo as modified teaches the invention substantially as claimed including determining additional channels in the event transport architecture are needed and building each of the additional channels [col. 4, lines 25-27].

14. As to claim 38, this claim is rejected for the same reason as claim 36 above.

15. As to claim 39, Koo as modified teaches the invention substantially as claimed including wherein said event suppliers and event consumers reside on separate nodes connected by a communication network [col. 9, line 65-col. 10, line 4].

16. As to claim 40, Koo as modified teaches the invention substantially as claimed including encoding event information from the event suppliers and coordinating event transport between the event suppliers and the event consumers over the channels created in the event transport architecture [col. 8, line 63-col. 9, line 14].

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. PG Pub No. 2002/0143857 to Bidarahalli et al, U.S. Patent No. 6,718,377 to Bischoff et al, and U.S. PG Pub No. 2002/0194347 to Koo et al teach registering with a naming service to receive events.



*Response to Arguments*

18. Applicant's arguments filed 8/19/05 have been fully considered but are moot in view of the new ground(s) of rejection.

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Art Unit: 2194

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Qing-Yuan Wu

Examiner

Art Unit 2194



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